

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

WILLIAM GUS JONES, a/k/a WILLIAM G.
PAYNE,

Defendant-Appellant.

UNPUBLISHED

October 25, 2005

No. 255720

Calhoun Circuit Court

LC No. 03-004386-FH

Before: Talbot, P.J., and White and Wilder, JJ.

MEMORANDUM.

Defendant was convicted by a jury of one count of possession of cocaine of less than 25 grams, MCL 333.7403(2)(a)(v), and was sentenced as a fourth habitual offender, MCL 769.12, to a term of imprisonment of fourteen months to fifteen years. Defendant appeals as of right. We affirm.

Defendant's sole argument on appeal is that the evidence presented at trial was insufficient to convict him. We disagree. When reviewing a sufficiency of the evidence claim, this Court "must view the evidence in a light most favorable to the prosecution and determine whether any rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt." *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748, amended on other grounds, 441 Mich 1201 (1992). It is the jury's sole responsibility to listen to the testimony, weigh the witnesses' credibility, determine what inferences may be fairly drawn from the evidence, and decide the questions of facts. *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002).

Here, the prosecution presented sufficient evidence linking defendant to the cocaine. The police found a crack pipe in defendant's pocket. The driver of the truck in which defendant was sitting surrendered a crack pipe to the police and another crack pipe was found in the truck. On the ground right outside the passenger side door, the police found two off-white chunky substances, which were later determined to be cocaine. Defendant admitted that he was sitting on the passenger side of the truck, and that he opened the door and started to get out of the truck. The driver had never been on the passenger side of the truck. Defendant claimed that the police made a mistake about his name, and that he tried to get out of the truck to correct the mistake. However, it was defendant who had handed the police officer a Michigan identification card, from which the officer got the incorrect name William Gus Jones.

Defendant argues that the crack pipe that was allegedly found on him never existed because it was destroyed and no picture of it was taken. Defendant also denies any knowledge of the illegal drugs. The same arguments were presented to the jury and were rejected. It is the jury's responsibility alone to weigh the credibility of the witnesses. *Hardiman, supra*. Here, the jury resolved the evidentiary conflicts and was convinced that defendant was guilty. Viewing the evidence in a light most favorable to the prosecution, *Wolfe, supra*, we believe that there was sufficient evidence to support the conviction.

Affirmed.

/s/ Michael J. Talbot

/s/ Helene N. White

/s/ Kurtis T. Wilder